

SCOTTSDALE

# CITY COUNCIL MEETING

## AGENDA



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### COUNCIL

Mary Manross, Mayor

Wayne Ecton

Robert W. Littlefield

Cynthia Lukas

Ned O'Hearn

David Ortega

Tom Silverman

Tuesday, June 17, 2003

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### MARKED AGENDA

**5:00 P.M.**

### CITY COUNCIL MEETING

**Call to Order** – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard - **5:07 P.M.**

**Roll Call** – **ALL PRESENT**

**Public Comment** – **JEFF SCHNEIDMAN – REQUESTED THAT THE VOTE ON THE PROPOSED LOS ARCOS AGREEMENT BE DELAYED UNTIL THERE IS A FORMAL LEGAL OPINION ON THE VICE MAYOR O'HEARN'S ALLEGED CONFLICT OF INTEREST; HILARY GLASSER – STATED OPPOSITION TO THE PROPOSED SUBSIDY FOR THE LOS ARCOS PROJECT; NORWOOD SISSON - URGED COUNCIL TO REVIEW THE CITY'S POLICY OF ONLY KEEPING CERTAIN RECORDS 45 DAYS; ELLIOTT GLASSER – STATED HIS OPINION THAT THE PROPOSED LOS ARCOS PROJECT IS A FRAUD; JODI PAULSEN – URGED VARIOUS COUNCIL MEMBERS TO UPHOLD THEIR CAMPAIGN PROMISES WHEN VOTING ON THE PROPOSED LOS ARCOS PROJECT.**

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

### Minutes - **OK – 7/0**

#### SPECIAL MEETINGS

May 19, 2003

June 2, 2003

June 3, 2003

#### REGULAR MEETINGS

May 19, 2003

June 2, 2003

June 3, 2003

#### EXECUTIVE SESSIONS

May 19, 2003

**1. Peter Piper Pizza Liquor License Extension of Premises – OK - C**

**Request:** To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises that will add a patio to an existing establishment operating with a series 07 (beer/wine bar) liquor license.

**Location:** 7607 E. McDowell Rd.

**Reference:** 16-EX-2003

**Staff Contact(s):** Jeff Fisher, Plan Review and Permit Services Director, 480-312-7619, [jefisher@ScottsdaleAz.gov](mailto:jefisher@ScottsdaleAz.gov)

**2. Sunflower Market Liquor License – OK - C**

**Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a new series 10 (beer/wine store) State liquor license for the former ABCO, which previously operated with a series 10 (beer/wine store) liquor license.

**Location:** 4402 N Miller Rd

**Reference:** 31-LL-2003

**Staff Contact(s):** Jeff Fisher, Plan and Permit Services Director, 480-312-7619, [jefisher@ScottsdaleAZ.gov](mailto:jefisher@ScottsdaleAZ.gov)

**3. James - Hotel Scottsdale Liquor License – OK - C**

**Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 11 (hotel-motel) State liquor license for the former Old Town Hotel, which also operated with a series 11 (hotel/motel) liquor license.

**Location:** 7353 E Indian School Rd

**Reference:** 32-LL-2003

**Staff Contact(s):** Jeff Fisher, Plan and Permit Services Director, 480-312-7619, [jefisher@ScottsdaleAZ.gov](mailto:jefisher@ScottsdaleAZ.gov)

**4. Parcel W @ Troon North – OK - C**

**Request:** Approve 16 residential lots on an 18-acre parcel.

**Location:** Troon North, 108th Place, west of Alma School Road

**Reference:** 22-PP-2002

**Staff Contact(s):** Keith Niederer Associate Planner 480-312-4211, [kniederer@ScottsdaleAZ.gov](mailto:kniederer@ScottsdaleAZ.gov)

**5. Estancia Parcel G – OK - C**

**Request:** Approve 3 residential lots on a 9.83-acre parcel.

**Location:** 9801 E Dynamite Blvd

**Reference:** 29-PP-1999

**Staff Contact(s):** Al Ward, Senior Planner, 480-312-7067, [award@ScottsdaleAZ.gov](mailto:award@ScottsdaleAZ.gov)

**6. Park Site at DC Ranch Planning Unit 1 – OK - C**

**Request:** Master Site Plan approval for a future public park at DC Ranch on a 12.8 +/- acre parcel located near the southeast corner of Pima Road and Union Hills Road with Open Space and Planned Community District (OS/PCD) zoning.

**Location:** Parcel 1.4 - Southeast of the intersection of Pima Rd & Union Hills Dr

**Reference:** 1-MP-2003

**Staff Contact(s):** Tim Curtis, Project Coordination Manager, 480-312-4210, [tcurtis@ScottsdaleAZ.gov](mailto:tcurtis@ScottsdaleAZ.gov)

- 7. Celebration Of Fine Art Conditional Use Permit – OK - C**  
**Request:** Approve a conditional use permit extension for a Seasonal Arts Festival with stipulation modifications on a 7.47 +/- acre parcel located at the southeast corner of Scottsdale Road and Union Hills Drive with Planned Regional Center, Planned Community District (PRC-PCD) zoning.  
**Location:** E Union Hills Dr/N Scottsdale Rd (Southeast Corner)  
**Reference:** 32-UP-2000#2  
**Staff Contact(s):** Al Ward, Senior Planner, 480-312-7067, [award@ScottsdaleAZ.gov](mailto:award@ScottsdaleAZ.gov)
- 8. LA Fitness Conditional Use Permit – OK - C**  
**Request:** Approve a conditional use permit for a health studio on a 5.5 +/- acre parcel located at 1900 N Scottsdale Road with Highway Commercial (C-3) zoning.  
**Location:** 1900 N Scottsdale Rd  
**Reference:** 5-UP-2003  
**Staff Contact(s):** Tim Curtis, Project Coordination Manager, 480-312-4210, [tcurtis@ScottsdaleAZ.gov](mailto:tcurtis@ScottsdaleAZ.gov)
- 9. Code Adoptions/Updates – OK - C**  
**Request:** Adopt Ordinance 3505, adopting the 2003 International Building Code and International Residential Code; Ordinance 3506, adopting the 2003 International Mechanical Code; Ordinance 3507, adopting the 2003 International Fire Code and Resolution 6310, 6311, 6312, 6313, 6309 and 6325, declaring the above Ordinances as a public record.  
**Location:** City-wide  
**Staff Contact(s):** David Potter, Building Official, 480-312-2532, [dpotter@scottsdaleaz.gov](mailto:dpotter@scottsdaleaz.gov)
- 10. Scottsdale Road - Bell to Deer Valley Annexation – OK - C**  
**Request:** Adopt Ordinance No. 3511 for Annexation of a County Right-of-Way.  
**Location:** Scottsdale Road - Bell to Deer Valley  
**Reference:** 1-AN-2003  
**Staff Contact(s):** Don Hadder, Principal Planner, 480-312-2352, [dhadder@ScottsdaleAZ.gov](mailto:dhadder@ScottsdaleAZ.gov)
- 11. Authorize IGA – OK – 7/0**  
**Request:** Consider approval of Intergovernmental Agreement #2003-112-COS, between the City of Scottsdale and other legal entities that invested monies in NCFE through the LGIP for a joint legal action, including the retention and direction of outside counsel, arising out of the NCFE bankruptcy.  
**Related Policies, References:** Resolution No. 6308  
**Staff Contact(s):** Sherry R. Scott, Assistant City Attorney, 480-312-2405, [sscott@ScottsdaleAZ.gov](mailto:sscott@ScottsdaleAZ.gov)
- 12. Contract for Legal Services in connection with City of Scottsdale v. condemnation of land at 104 Street and Bell (owned by Toll Brothers Homes). – OK w/CHANGES – 7/0**  
**Request:** Adopt Resolution No. 6235 authorizing the Mayor to execute Contract No. 2003-010-COS, an outside counsel contract in a maximum amount of Fifty Thousand Dollars (\$50,000.00) with the law firm of GRAHAM & ASSOCIATES, LTD. for legal services regarding representation of the City of Scottsdale in the condemnation and litigation of an eminent domain action brought to acquire real property for McDowell Sonoran Preserve gateway.  
**Related Policies, References:** Resolution No. 6235  
**Staff Contact(s):** Janis Villalpando, Assistant City Attorney, [jvillalpando@ci.scottsdale.az.us](mailto:jvillalpando@ci.scottsdale.az.us), (480) 312-2405

**13. Revocable License Agreement with the Scottsdale Rose Society, Inc. – OK - C**

**Request:** Adopt Resolution No. 6299 authorizing City Council to approve Revocable License Agreement No. 2003-046-COS with the Scottsdale Rose Society, Inc., to install, maintain and repair the Rose Garden in Downtown Scottsdale.

**Related Policies, References:** On December 14, 1992, the Mayor and City Council adopted Resolution No. 3712 authorizing the execution of Easement Agreement No. 920139 with the Scottsdale Rose Society for the creation and maintenance of a rose garden in Scottsdale downtown. The easement agreement expired December 31, 2002. On January 10, 2003, the City of Scottsdale and Scottsdale Rose Society entered into a short-term (180 days) revocable license agreement to continue existing arrangements for the Rose Garden until July 9, 2003, in accordance with Section 2-221(c) of the Scottsdale Revised Code.

**Staff Contact(s):** Robin Rodgers, Asset Management Specialist, 480-312-2522, [rrogers@ScottsdaleAZ.gov](mailto:rrogers@ScottsdaleAZ.gov); Sahler Hornbeck, Downtown Liaison, 480-312-2394, [shornbeck@ScottsdaleAZ.gov](mailto:shornbeck@ScottsdaleAZ.gov)

## REGULAR AGENDA

**14. Sign Ordinance Text Amendment**

**MOTION TO APPROVE ORDINANCE 3515 CHANGING IN STIPULATION No. 1 FROM 100,000 TO 60,000 TO ALLOW FLEXIBILITY FOR CENTERS AS IDENTIFIED IN THE ORDINANCE (TWO SIGNS INSTEAD OF ONE WITHOUT INCREASING THE TOTAL SQ. FOOTAGE OF THE SIGNAGE); EXCLUDING STIPULATIONS 2, 3, AND 4, EXCLUDING THE PROVISION TO ALLOW THE DRB THE DESCRESION/FLEXIBILITY ON FREE STANDING SIGNS AND, EXCLUDING THE ABILITY TO ALLOW UP TO THREE TENANT NAMES ON FREE STANDING SIGNS; AND ADOPT RESOLUTION 6319. – OK – 7/0**

**MOTION TO AMEND THE MOTION TO ALLOW THE DESIGN REVIEW BOARD DISCRETION/FLEXIBILITY ON FREE STANDING SIGNS – DENIED – 2/5 (N.O., C.L., T.S., W.E., R.L.)**

**MOTION TO AMEND TO ALLOW UP TO THREE TENANT NAMES ON MID-SIZE AND TOWER SIGNS – OK – 5/2 (W.E., N.O.)**

**Request:**

1. Adopt Ordinance No. 3515, approving an update to Ordinance No. 455 (Zoning Ordinance) amending Article VIII, Sign Requirements.
2. Adopt Resolution No. 6319 declaring the above text amendment a public record.

**Location:** City-wide

**Reference:** 7-TA-2002

**Staff Contact(s):** Jeff Fisher, Plan and Permit Services Director, 480-312-7619, [jefisher@ScottsdaleAZ.gov](mailto:jefisher@ScottsdaleAZ.gov)

**Public Comment – NANCY CANTOR – STATED HER BELIEF THAT THE CITY NEEDS RESPONSIBLE DEVELOPMENT ON THE LOS ARCOS SITE; ROBERT MAYHEW – STATED HIS BELIEF THAT THE CURRENT PROPOSAL FOR LOS ARCOS WILL NOT HURT ANY LOCAL BUSINESSES AND IS NEEDED; PATTI BADENOCK – STATED HER SUPPORT FOR A PARKING GARAGE AT FIRST AND BROWN TO HELP ALEVIAE THE SHORTAGE OF PARKING IN OLD TOWN SCOTTSDALE; LYLE WURTZ – QUESTIONED THE TERMS OF LOS ARCOS PROJECT AND**

# REGULAR AGENDA

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Tuesday, June 17, 2003

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THE LACK OF AN ECONOMIC STUDY TO DETERMINE THE IMPACT OF THE PROJECT ON THE CITY. HE CAUTIONED CITIZENS THAT WISH TO BE APPOINTED TO THE CITY'S WORKGROUPS THAT THEIR RECOMMENDATIONS MIGHT NOT BE CONSIDERED; MICHAEL MERRILL – REMINDED COUNCIL TO UPHOLD THEIR CAMPAIGN PROMISES WHEN VOTING ON THE LOS ARCOS PROJECT; DARLENE PETERSEN – FELT THE ISSUE OF VICE MAYOR O'HEARN'S ALLEGED CONFLICT OF INTEREST ON THE PROPOSED LOS ARCOS PROJECT HAS BEEN THOROUGHLY EXPLORED WITH NO CONFLICT FOUND. SHE STATED SUPPORT FOR THE PROPOSED LOS ARCOS PROJECT; SHARON MORGAN – STATED SUPPORT OF THE PROPOSED LOS ARCOS PROJECT. SHE STATED HER BELIEF THAT THE AREA'S BUSINESSES NEED TO BE STIMULATED NOW; TRACEY HOUSE – STATED HER DISLIKE OF THE TRAFFIC CALMING DEVICES THAT ARE CURRENTLY BEING INSTALLED ON CHOLLA; SUSAN WHEELER – STATED HER OPPOSITION OF THE WORK THAT IS BEING DONE ON CHOLLA DUE TO SAFETY ISSUES. Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

**City Manager's Report - NONE**

**Mayor and Council Items – COUNCILMAN SILVERMAN NOTED FOR THE RECORD THAT HE HAS NOT WALKED AWAY FROM HIS POLITICAL PLATFORM.**

**Adjournment – 8:22 P.M.**

Section 2.17 of the Scottsdale City Code states, "Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and shall be considered a single meeting." The Council may hold over any items noticed on the Monday agenda to the agenda for the Tuesday meeting.